

Why is that? Well, there is a massive propaganda campaign beginning today, if you look in the Wall Street Journal and some of the other newspapers, to minimize the lies that led us into war. They are now saying, "Well, everybody does it. Clinton did it. We did it. It doesn't make any difference how we got into war. It was the right thing to do. The fact that we got there is all that matters." That is what the defense is going to be.

It is very clear that the office of the Vice President of the United States has emerged as the source of this national policy. Never mind, I am not talking about the intelligence on striods that proved that Hussein had weapons of mass destruction. It is now clear by his own admission that the Chief of Staff of the Vice President of the United States was willing to out the CIA agent whose husband had been sent by the Vice President's office, had been sent out to find out and had come back with a report that debunked the whole Niger yellow cake forgeries.

Mr. Speaker, the Italian parliament is meeting even at this time on the issue of how those forgeries occurred. There is nobody interested around here. You would think it was nothing. But the Italian parliament is worried about how their secret service got involved in these forgeries.

But really more worrisome than the forgeries and all of what went on there is the continuing influence of the Vice President's office to set policy. I will include in the record an article in the November 2 Slate magazine called Superiority Complex that is talking about what has gone on in the Vice President's office. This is another issue, but connected.

Today we found out in the newspapers that we have secret prisons. We do not know where they are. Some people speculate they are in Poland, some say they are in Romania. We know we have Guantanamo. We have bases in other places. And we are unclear about how those people are to be treated.

It was so unclear that the draft regulation was drawn up in the Department of Defense. Some people in the Department of Defense did not agree with it, so they let the Vice President's office know, and the next thing we know, they sort of say, why do you not hold up on that, and it never happened. The draft regulation never came out. It was to set a clear standard of how detainees should be treated, how prisoners of war should be treated, or whatever.

The people who did that were Mr. Addington, who is now the Vice President's Chief of Staff, and Mr. Libby. They set about to veto the whole idea.

Why is the Vice President's office making these decisions? Where is the White House? Where is the Oval Office? Where is the President? Well, he is missing in action.

If you look in the last year and a half on that whole issue, the President said that these people would be treated humanely and, to the extent appropriate

and consistent with military necessity, in a manner consistent with the principles of the Geneva agreement.

He could not just say "the Geneva Convention holds. We will treat them according to that." He gave weasel-words here, so he really has been no use at all. Basically, what this White House has done is kept that whole issue open to debate.

Now, you ask yourself, why do we care about how we treat prisoners? Very simply, and the article says, "The military cares about the Geneva protections because of the correlation that American intelligence officers increasingly see between Muslim anger at the United States and human rights abuses in Guantanamo."

We are putting our own soldiers at risk by allowing this White House to keep this vague. We need some oversight.

Mr. Speaker, I include the Slate magazine article for the RECORD.

[From the New York Times, Nov. 2, 2005.]

SUPERIORITY COMPLEX  
(By Tim Naftali)

Today's revelations in the New York Times about the Bush administration's internal debate over how to treat foreign detainees highlight the unprecedented role that Vice President Dick Cheney and his staff are playing in setting national security policy. In the Constitution, the vice president is the Nation's understudy. He is not supposed to be in the chain of command. Cheney knows this better than most: In 1989, when he was George H.W. Bush's secretary of defense, Cheney slapped down Vice President Dan Quayle for calling a meeting of the National Security Council about a coup attempt in the Philippines while the president was out of the country.

Yet now the Office of the Vice President is dictating the rules by which the U.S. military interrogates and detains terrorist suspects. This is being done subtly. All the Office of the Vice President has to do is informally convey its opposition to complying with international law in this area, and any such effort is thwarted.

This is what happened to an attempt by some officials in the Department of Defense, along with the lawyers of all the armed services, to write a new directive on the treatment of detainees. Since the Bush administration began sending foreigners captured abroad to Guantanamo Bay in winter 2001, its refusal to afford them all the protections guaranteed by the Geneva Conventions has been, to say the least, internationally contentious. Now the military and some Pentagon officials are increasingly aware that this refusal is making American troops vulnerable abroad by potentially provoking other countries to respond in kind. The current policy has also created confusion in the armed services among interrogators who were originally trained to follow Geneva and now don't know which standard to apply. The goal of the drafters of the new directive was to set clear standards that are consistent with international law and with the military's rules since 1949.

The draft directive drew upon the language from Common Article Three of the Geneva Conventions of 1949, implying that the United States recognized the role of international law in governing how it treated detainees. Not everyone in the Pentagon was happy with this. Stephen Cambone, the undersecretary of defense for intelligence policy, and William J. Haynes, DOD's general

counsel, apparently let the vice president's office know what was happening. In September, David S. Addington, who was then Cheney's general counsel, and former Cheney aide I. Lewis Libby did their best to veto the initiative.

Cheney and Addington (and Libby) believe that there should be no limit on the president's right to authorize interrogations of terrorist suspects. The Office of the Vice President is contemptuous of the British and our other European allies, who have been reluctant to turn over suspects to the United States because of what they see as Washington's lawless approach.

What does the Oval Office think about adopting a Geneva-friendly detainee policy? So far, there is no evidence that President George W. Bush has weighed in directly since February 2002 on applying Geneva's protections to the detainees. At that point, he said that al-Qaida and Taliban fighters would not have prisoner-of-war status but would nonetheless be treated "humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles" of the Geneva Conventions. The ambiguity of Bush's 2002 statement—was he saying that the Geneva Conventions did not trump military necessity?—has encouraged advocates of a Geneva-based policy to argue that he intended to set a floor rather than a ceiling for the treatment of detainees.

And what about Secretary of Defense Rumsfeld, who is in the military chain of command? The reporting is still vague thus far on his opinion about the standards for detainees. Matthew Waxman, Rumsfeld's deputy assistant secretary of defense, was a champion of incorporating Common Article Three into the new interrogation directive. But Rumsfeld himself reportedly said nothing, even after the vice president's office shot down the draft directive. Rumsfeld and Cheney go way back; Cheney worked for Rumsfeld in the Nixon administration. Whatever else Rumsfeld's silence means, by ceding this area to Cheney, the defense secretary signals to the armed services that he doesn't much care that their lawyers want to bring U.S. policy in line with the Geneva Conventions.

The military cares about Geneva's protections because of the correlation that American intelligence officers increasingly see between Muslim anger at the United States for human rights abuses in Guantanamo and elsewhere and the virulence of the insurgencies in Iraq and Afghanistan. In its secret brief in a case involving the ACLU's request for the disclosure of additional photographs of the abuses that took place at Abu Ghraib, the government acknowledged as much.

Ordinarily presidents assign their vice presidents some projects, usually with consultation, of course. Yet once Cheney focuses on a policy, he dominates it.

So long as his views prevail in how the Bush administration treats foreign detainees, the military's push to safeguard American troops by respecting Geneva will be stymied.

VOTING RIGHTS ACT EXTENSION  
NOT NEEDED IN GEORGIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. WESTMORELAND) is recognized for 5 minutes.

Mr. WESTMORELAND. Mr. Speaker, in 1965, Congress passed the Voting Rights Act to stop the systematic civil rights violations that were the status quo in my home State of Georgia and

various other States. In those dark days, the Federal Government rightly stepped in to extend the guarantees of our Constitution to every American, regardless of race.

Georgians have worked together closely for the past 40 years to heal the wounds of the past, and we have progressed tremendously. Black Georgians today are equal partners, not only in access to the voting booth but also to elected positions of power.

In the parts of Georgia that experienced the most oppressive and violent abuses of civil rights, that is in counties and cities where African Americans are a majority, black Georgians are now the leaders of those local communities. African Americans hold a significant portion of the seats in the Georgia legislature, where many have held positions of great influence. Nine of our 34 Statewide elected posts are held by African Americans, a percentage that comes close to mirroring their proportion of the State's population.

Georgia Attorney General Thurbert Baker is an African American who has twice won Statewide election to that post. Our Statewide elected labor commissioner is black, as are three justices on our State Supreme Court. Four African Americans hold seats in our 13 member House delegation. Two of those black members defeated white candidates in majority white districts.

African Americans have exercised their electoral muscle for decades now in Georgia. Blacks in Georgia have higher levels of voter registration and participation than do whites. In fact, blacks in Georgia have higher registration rates than do most blacks outside the South.

Furthermore, black and white candidates for public office draw comparable support from white voters. In other words, black and white candidates of the same party win or lose at the polls with similar vote percentages. No longer will Georgians vote against a black candidate simply because he or she is black.

With these facts in mind, I call on Congress to let Section 5 of the Voting Rights Act expire. Section 5 was implemented as a temporary statute to correct a specific problem. In the late 1960s, the Supreme Court ruled that Section 5 was constitutional only because it was narrowly tailored and temporary. Mr. Speaker, I would suggest to my colleagues here in the House that 40 years is more than temporary.

Now Congress is considering extending Section 5 for another 25 years, to 2030, without giving any consideration to the changes that have occurred since 1965. If there is a need for Section 5 today in Georgia, it must be needed everywhere.

□ 1915

If it is good for Georgia, it will be good for your State too. But if you do not think your State election laws should be subjected to Federal over-

sight, then I challenge each and every one of you to at least, Mr. Speaker, look at the facts of today's Georgia before casting a vote that does not affect your constituents, but does affect mine.

Georgia has fulfilled the vision of the Voting Rights Act and should be treated the same as every other State.

#### PASSAGE OF THE PRIVATE PROPERTY RIGHTS PROTECTION ACT

The SPEAKER pro tempore (Mr. KUHLMAN of New York). Under a previous order of the House, the gentlewoman from Florida (Ms. HARRIS) is recognized for 5 minutes.

Ms. HARRIS. Mr. Speaker, earlier today I was proud to cast a firm vote in support of the Private Property Rights Protection Act. While this measure will not reverse the Supreme Court's mind-boggling 5-4 decision in the *Kelo v. New London* case, it will ensure that American taxpayers will not have their hard-earned dollars used in its support.

No State or locality shall be permitted to employ the power of eminent domain to seize private property in the name of economic development. In addition, the bill will grant appropriate access to State and Federal courts for those who seek justice and remedy for any nonmeritorious seizure of their property.

There is no question that Americans do not wish to shirk their responsibility to take care of their community through support for measures which serve the public good. However, most do not view fulfillment of this obligation as necessitating a forfeiture of their fundamental rights. Few rights are as central to the foundation of our great Nation as is the right of control over one's private property.

As James Madison laid out in the *Federalist Papers*, private property rights lie at the foundation of our Constitution: "Government is instituted no less for the protection of property than of the persons of individuals."

Madison's declaration was echoed by Justice William Paterson in *Vanhorne's Lessee v. Dorrance* (1795) when he asserted: "The right of acquiring and possessing private property and having it protected is one of the most natural, inherent, and inalienable rights of man."

This does not require one to have expertise in constitutional law to conclude from these statements that the Framers did not intend for citizens to cede their "natural, inherent, and inalienable rights" in the name of expanding the local tax base or in the development of one of our favorite Starbucks or Wal-Mart's.

As Justice Clarence Thomas noted in his dissent, the text of the fifth amendment permits the taking of property "only if in the public right to employ it."

In response to the public concern of the *Kelo* decision, the Ohio State legislature recently passed a measure pro-

hibiting cities from seizing unblighted land for economic development in 2006. And Ohio is not alone. Excluding bills prefiled for the 2006 legislative session, the National Council of State Legislatures found that 12 States have already taken legislative steps to prohibit in some form or fashion the use of eminent domain in private property seizure.

Today, we join in the fight on behalf of all Americans who own or aspire to own their small piece of paradise and, more importantly, to own it without fear from unwarranted, unjustified, and unconstitutional seizure.

#### THE TRUTH ABOUT THE WAR IN IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Virginia (Mrs. DRAKE) is recognized for 60 minutes as the designee of the majority leader.

Mrs. DRAKE. Mr. Speaker, it is my honor to be here tonight, along with fellow colleagues and with the chairman of the House Armed Services Committee, Duncan Hunter, to talk to you about the war in Iraq.

During my recent visit to Iraq, it was clear to me that our brave military men and women know what they are doing, why they are doing it, the progress they are making, and the threat to our world and our way of life if they fail. They see the big picture: Iraq is a key piece in a region-wide and worldwide struggle.

What they wanted to know was what were the American people saying and thinking, and they wanted to know why their stories are not being told, and why their successes are not being told.

Mr. Speaker, recently there was a New York Times article that included this quote. It says: "I kind of predicted this. A third time just seems like I am pushing my chances." But in reality, Mr. Speaker, that was a much longer quote that I would like for you to see and I would like for you to hear. What that quote said was: "Obviously, if you're reading this, then I have died in Iraq. I kind of predicted this. That is why I am writing this in November. A third time just seemed like I am pushing my chances. I don't regret going. Everybody dies, but few get to do it for something as important as freedom. It may seem confusing why we are in Iraq. It's not to me. I am here helping these people so that they can live the way that we live, not have to worry about tyrants or vicious dictators, to do what they want to do with their lives. To me, that is why I died. Others have died for my freedom. Now this is my mark." Corporal Jeffrey B. Starr.

We would all like to thank Corporal Starr for his service, to tell him and his family that America mourns their very great loss, and to say that he is a true American hero.

We are here tonight to tell his story and to tell the story of the very brave